

Notice of Allowability

Application No.

10/786,685

Applicant(s)

RAO, SUNDAR MOHAN

Examiner

Tri V. Nguyen

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/01/07.
2. ☒ The allowed claim(s) is/are 1,4-8,10,13 and 14.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



LORNA M. DOUYON
PRIMARY EXAMINER

wEXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christina Geerlof (Appl. Rep.) on 09/21/07.

2. The application has been amended as follows:

2.1 Claim 1 has been replaced with:

--A polymeric lightly pigmented overdye fiber, consisting of:

a polymer;

color pigments, wherein the color pigments are selected from two of the color families of the trichromatic dye color system, the trichromatic dye color system consisting of blue, yellow and red, the pigmented fiber having off-white color with L* value of about 70 to about 94,

wherein the color pigments consist of a combination of two of Pigment Red 60, Pigment Red 63, Pigment Red 80, Pigment Red 66, Pigment Red 67, Pigment Red 81, Pigment Red 68, Pigment Red 73, Pigment Red 83, Pigment Yellow 65, Pigment Yellow 82, Pigment Yellow 85, Pigment Yellow 87, Pigment Blue 61, Pigment Blue 69, Pigment Blue 74, and Pigment Blue 78;

a dye appropriate for the polymer;

optionally TiO₂ delusterant; and

Art Unit: 1751

wherein the total pigment loading level is in the range from about 10 to about 600 ppm by weight of the fiber.--

2.2 In claim 5, line 1, "comprises" has been changed to --is--.

2.3 In claim 6, line 1, "comprises" has been changed to --is--.

2.4 In claim 7, line 1, "comprises" has been changed to --is--.

2.5 In claim 8, line 1, "comprises" has been changed to --consists of--.

2.6 In claim 10, line 1, "claim 9" has been changed to --claim 1-- and "comprise" has been changed to --consist of--.

2.7 Claims 9, 12 and 15-46 have been cancelled.

STATEMENT OF REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The most pertinent prior art known to the Examiner is listed on the attached forms PTO-892 and 1449. As shown by Locke et al., Reinehr et al. and Hixon et al., the close prior art of record, polymeric overdyed fibers with pigments and dyes are well-known. However, none of the prior art of record including Locke et al., Reinehr et al. and Hixon et al. provides sufficient suggestion or motivation to arrive at a polymeric overdyed fiber consisting of the specific

Art Unit: 1751

combination of the trichromatic dye color system consisting of the recited color pigments and the off-white L* value as required in the present claims. Furthermore, the process of making the claimed chain is different from the synthesis of the prior arts thus resulting properties would not be inherent. Accordingly, the claimed invention, as a whole, would not have been obvious to one of ordinary skill in the fabric color engineering art. None of the prior art of record teaches, discloses or suggests an overdyed lightly pigmented fiber in the manner as those recited the present claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

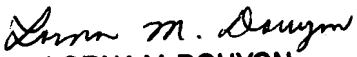
Art Unit: 1751

would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NVT

NVT

September 24, 2007


LORNA M. DOUYON
PRIMARY EXAMINER